

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM JAMES WALLACE, II,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS & REHABILITATION,  
et al.,

Defendants.

No. 1:20-cv-00905-DAD-BAK (BAM) (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
THIS ACTION DUE TO PLAINTIFF'S  
FAILURE TO PROSECUTE AND FAILURE  
TO OBEY A COURT ORDER

(Doc. Nos. 46, 51)

Plaintiff William James Wallace, II is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought under the Americans with Disabilities Act. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 24, 2022, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute and failure to obey a court order. (Doc. No. 51.) Specifically, because plaintiff had failed to timely file an opposition, or a statement of non-opposition, to defendants' pending motion for summary judgment (Doc. No. 46) as required by the Local Rules, on January 13, 2022, the magistrate judge issued an order to plaintiff requiring him to either show cause why this action should not be dismissed due to his failure to prosecute, or alternatively, to file an

1 opposition or statement of non-opposition to defendants' motion, within twenty-one (21) days of  
2 the date of that order. (Doc. No. 49.) Plaintiff was warned that his failure to comply with that  
3 order may result in a recommendation that this case be dismissed due to plaintiff's failure to  
4 prosecute. (*Id.* at 2.) To date, plaintiff has not filed an opposition or a statement of non-  
5 opposition as directed, or otherwise communicated with the court.

6 Accordingly, on March 24, 2022, the magistrate judge issued the pending findings and  
7 recommendations recommending dismissal of this action due to plaintiff's failure to prosecute  
8 and failure to obey a court order. (Doc. No. 51.) Those pending findings and recommendations  
9 were served on plaintiff and contained notice that any objections thereto were to be filed within  
10 fourteen (14) days after service. (*Id.* at 3.) To date, no objections have been filed and the time in  
11 which to do so has now passed.

12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
13 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings  
14 and recommendations to be supported by the record and by proper analysis.

15 Accordingly:

- 16 1. The findings and recommendations issued on March 24, 2022 (Doc. No. 51) are  
17 adopted in full;
- 18 2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute  
19 this action and failure to a obey court order;
- 20 3. Defendants' motion for summary judgment (Doc. No. 46) is terminated as having  
21 been rendered moot by this order; and
- 22 4. The Clerk of the Court is directed to close this case.

23 IT IS SO ORDERED.

24 Dated: **April 15, 2022**

25   
UNITED STATES DISTRICT JUDGE